

## Remarks

Claims 1, 4, 9, 10, 12, 14, 17 and 20 have been amended in order to place them in better condition for allowance, and new dependent claims 21-40 have been added. Antecedent basis for the amended and added claims exists throughout the specification, including in the claims as currently pending. Upon entry of the amendment, claims 1-40 will be pending and in condition for allowance. The courtesy of Examiners Thanh and DeMille in granting an interview to the undersigned on June 10, 2004 is appreciated.

The objection to the Drawing is rendered moot by virtue of the replacement Figure 2 enclosed herewith. The specification itself appears to be in order, in that it properly addresses both perspectives 2(a) and 2(b). See, for instance, page 9, lines 1-2.

The objections to the claims are rendered moot by the above editorial amendment thereto.

The rejection under Section 112, second paragraph, has been rendered moot by the above amendment to the claims. As agreed in the course of Applicant's recent interview, the use of functional language is indeed an appropriate means of defining the apparatus itself.

The double patenting rejection has been rendered moot by the abandonment without prejudice of the co-pending application.

The rejection under Section 103 is respectfully traversed. Van Brunt is distinguished for the reasons provided below and previously, and neither Whitney nor Meredith add anything to remedy the defects of Van Brunt. The claims have been editorially amended in the manner discussed in the course of the interview, to focus on the comparative wave forms at 6 Hz, as shown in Figures 3a and 3b, respectively, of the present specification. As discussed with the Examiners, the present claims merely provide a comparison with a device of the art, at a single frequency, and in no way should be construed to limit the use of the claimed apparatus to any particular frequency.

When used at 6 Hz, the apparatus of the present invention provides a triangular sine wave (akin to that shown in Figure 3a), as compared to the slow (rounded) rise of the wave form (Figure 3b) provided at lower frequencies by the Van Brunt/Model 103 device. Given the nature of the Van Brunt/Model 103 device, and by contrast to that of the present invention, the sharpness of its pulse wave form is related to the frequency at which it is used. The wave form of Van Brunt will have a slow rise (as shown) at lower frequencies within the desired therapeutic range, and will become more triangular only at higher, and typically less desirable, therapeutic frequencies. In turn, the sharp pulses of the present invention can be used to induce desirable coughing-like responses, *even* at low frequencies.

The secondary references relate to quite different devices, and regardless of their respective teachings, neither comes close to teaching or suggesting the changes that would be needed to remedy the shortcomings of Van Brunt itself. In particular, both Whitney and Meredith teach the use of their apparatuses, including valves, for inflating *different* bladders or

portions of bladders, as compared to the use of any such valve to provide a bladder with pulses of pressurized air having any particular wave form, let alone the presently claimed wave form.

As also discussed in the interview, in expectation of the allowance of the above described claims, new claims 21-40 have been added to provide different combinations of preferred features in dependent form.

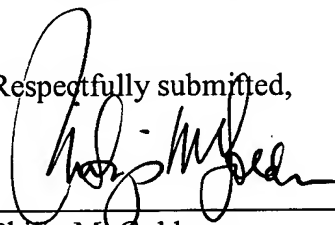
In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910.

Dated: \_\_\_\_\_

18 JUN 2004

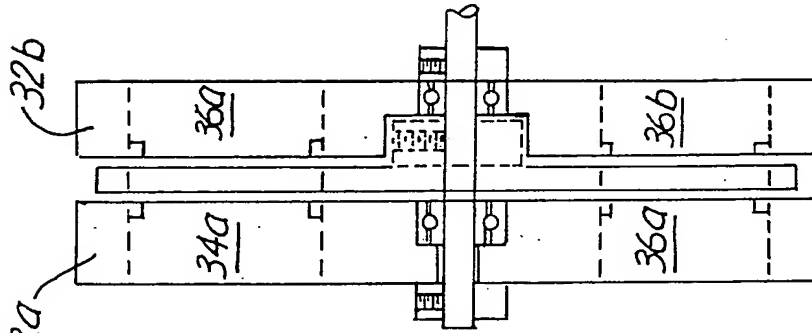
Respectfully submitted,



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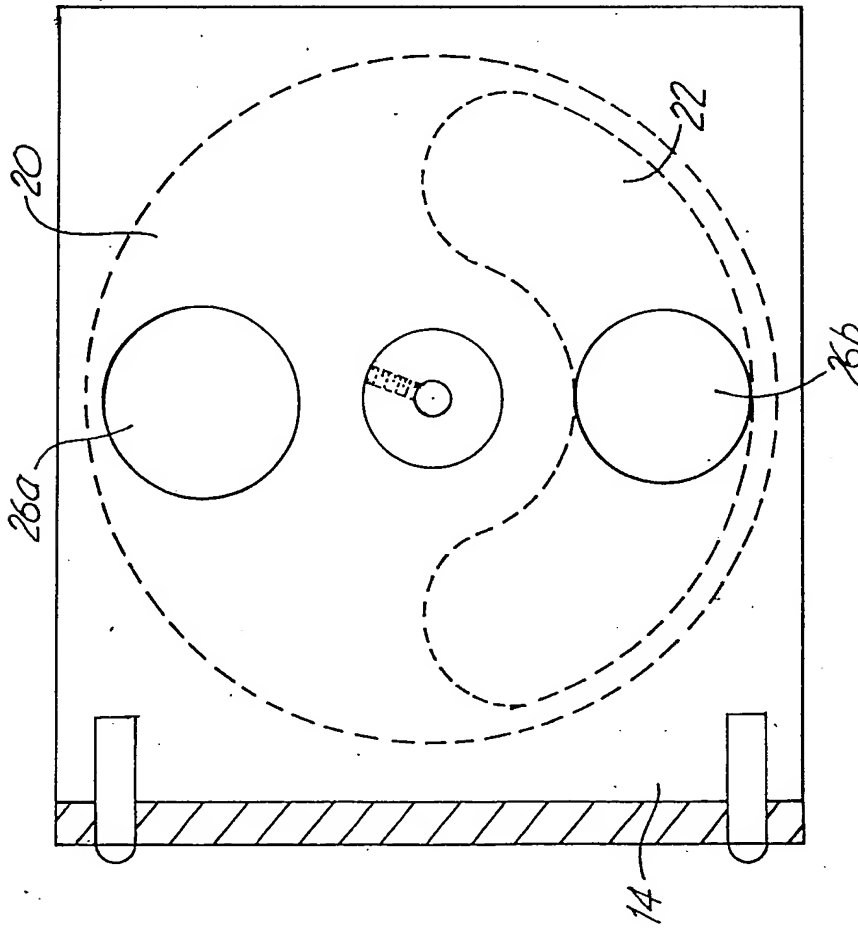


FIG. 2

2a

